REMARKS

These remarks are responsive to the Office Action dated February 25, 2005.   Currently,

Claims 1-24 are pending in this application.   Claims 1, 14 and 20 are independent.

35 U.S.C. §102(e)

In the June 7, 2004 Office Action the Examiner rejected Claims 1-6, 10-18 and 20-23

under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,700,895 to Kroll

("Kroll").   These rejections are respectfully traversed.

Independent Claim 1 recites a method of voice optimization in a packet switched

network.   The method includes, *inter alia*, initializing default parameters for . . .preferred

CODEC, number of voice samples per packet, and jitter buffer size. . . and. . . adjusting the

default parameters for the end-point devices based on the evaluating.

Kroll, on the other hand, discloses "a method and system for selecting an optimal size for

a jitter buffer. . ." (Abstract).   While the system disclosed in Kroll provides for the use of a jitter

buffer and adjustment to the size of the jitter buffer, it fails to disclose initializing the jitter buffer

or any of the other parameters (e.g. CODEC or number of voice samples per packet) and it fails

to disclose adjusting the parameters of the CODEC or the number of voice samples per packet.

According to the Examiner, Kroll teaches "initializing default parameters for end-point

devices on a network with respect to choice of preferred CODEC, number of voice samples per

packet and jitter buffer size."   To support this assertion, the Examiner cites step 210 of Kroll. All

step 210 of Kroll illustrates is a starting point for a particular buffer size.   According to the

specification of Kroll, "Fig. 7 is a control flowchart illustrating a portion of the method

illustrated with respect to Fig. 6.   The process 200 enters at start 210." (Col. 7, lns. 23-25)   Thus,

while the Kroll system employs a jitter buffer, there is no teaching or suggestion of initializing

the jitter buffer. This reasoning is further supported by the specification of Kroll which discloses "The present invention thus predicts the frame loss rates of <u>arbitrary</u> buffer sizes. . ." (Col. 3, lns. 63-65)(Emphasis added). Even more apparent is the lack of any reference to a CODEC or the number of voice samples per packet. Accordingly, since Kroll fails to disclose every element of Claim 1 of the present application, Claim 1 is not anticipated by Kroll.   This rejection is respectfully traversed. Thus the Examiner is requested to reconsider and withdraw the rejection of Claim 1.

Claims 14 and 20 also include similar recitations regarding initializing a jitter buffer, CODEC and the number of voice samples per packet. Thus, Claims 14 and 20 are novel over Kroll for at least the reasons discussed. As such, these rejections are also traversed. The Examiner is respectfully requested to reconsider and withdraw the rejections of Claims 14 and 20.

Claims 2-6, 10-13, 15-18 and 21-23 depend from Claims 1, 14 and 20 respectively. As such, Claims 2-16, 10-13, 15-18 and 21-23 are not anticipated by Kroll for at least the same reasons stated above with respect to Claims 1, 14 and 20. Therefore, the rejections of Claims 2-6, 10-13, 15-18 and 21-23 are traversed. The Examiner is respectfully requested to reconsider and withdraw the rejections of Claims 2-6, 10-13, 15-18 and 21-23.

Objections to the Claims

In the Office Action, dated February 25, 2005, the Examiner objected to Claims 7-9, 19 and 24 as being dependent upon a rejected base claim. As seen from the foregoing discussion, Kroll does not invalidate any of the base claims. Accordingly, the Examiner is respectfully requested to withdraw the objection to these claims.

No new matter has been added.

Applicants have reviewed U.S. Patent Nos. 6,452,950 to Ohlsson et al., 6,678,250 to Grabelsky et al., and 6,747,999 to Grosberg et al., which were made of record but not relied upon. However, these references are not deemed to detract from the patentability of the present claims.

The claims currently presented are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicants' undersigned attorney to expedite further processing of the application to allowance.

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